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9 Attorney for Defendant
10 KELLY CARN

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 ***

14 UNITED STATES OF AMERICA,
15
16 Plaintiff,

17 vs.

18 KELLY CARN,
19
20 Defendants.

2:13-cr-00346-APG-GWF

STIPULATION AND ORDER TO
CONTINUE CALENDAR CALL AND
TRIAL

(THIRD REQUEST)

21 IT IS HEREBY STIPULATED by and between KELLY CARN Defendant, by and
22 through his counsel CRAIG K. PERRY, ESQ., and the United States of America, ANDREW
23 DUNCAN, Assistant United States Attorney, that calendar call in the above-captioned matter
24 currently scheduled for October 15, 2014, at the hour of 8:45 a.m., and the trial currently
25 scheduled for October 20, 2014 at the hour of 9:00 a.m., be vacated and continued for ninety (90)
days, or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. Defendant is not in custody. Counsel has spoken to defendant and he does not object to the continuance.

1 2. There is no objection from Assistant United States Attorney Andrew W. Duncan, to
2 the continuance.

3 3. Counsel for Defendant needs additional time to adequately prepare for trial and to file
4 a Motion for Return of Seized Property.

5 4. Denial for this request for continuance would deny the parties herein time and the
6 opportunity within which to effectively and thoroughly research and prepare for trial in
7 this case, taking into account the exercise of due diligence.

8 5. Additionally, denial of this request for continuance would result in a miscarriage of
9 justice.

10 6. For all the above-stated reasons, the ends of justice would best be served by a
11 continuance of the trial date.

12 7. The additional time requested by this stipulation, is excludable in computing the time
13 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
14 U.S.C. 3161(h)(7) (A), considering the factors under 18 U.S.C. 3161 (h)(7)(B)(i) and
15 3161 (h)(7)(B)(iv).
16

17 8. This is the third request for a continuance of the trial date in this case.

18 DATED this 16th day of September, 2014.

19 CRAIG K. PERRY & ASSOCIATES

DANIEL G. BOGDEN
UNITED STATES ATTORNEY

20
21 /s/ Craig K. Perry, Esq.

/s/ Andrew W. Duncan, Esq.

22
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24 Attorney for Defendant
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9 Attorney for Defendant
10 KELLY CARN

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 ***

14 UNITED STATES OF AMERICA,
15
16 Plaintiff,

2:13-cr-00346-APG-GWF

17 Vs.

STIPULATION AND ORDER TO
CONTINUE CALENDAR CALL AND
TRIAL

18 KELLY CARN,

19 Defendants.

(THIRD REQUEST)

20 FINDINGS OF FACT

21 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
22 Court finds:

23 This Stipulation is entered into for the following reasons:

24 1. Defendant is not in custody. Counsel has spoken to defendant and he does not
25 object to the continuance.

2. There is no objection from Assistant United States Attorney Andrew W. Duncan, to
the continuance.

1 3. Counsel for Defendant needs additional time to adequately prepare for trial and file
2 a Motion for Return of Seized Property.

3 4. Denial for this request for continuance would deny the parties herein time and the
4 opportunity within which to effectively and thoroughly research and prepare for trial in this
5 case, taking into account the exercise of due diligence.

6 5. Additionally, denial of this request for continuance would result in a miscarriage of
7 justice.

8 6. For all the above-stated reasons, the ends of justice would best be served by a
9 continuance of the trial date.

10 7. The additional time requested by this stipulation, is excludable in computing the time
11 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
12 3161(h)(7) (A), considering the factors under 18 U.S.C. 3161 (h)(7)(B)(i) and 3161
13 (h)(7)(B)(iv).

14 8. This is the third request for a continuance of the trial date in this case.

15 CONCLUSIONS OF LAW

16 The end of justice served by granting said continuance outweigh the best interest of the
17 public and defendants in a speedy trial since the failure to grant said continuance would likely result
18 in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within
19 which to be able to effectively and thoroughly prepare for sentencing taking into account the
20 exercise of due diligence.

21 The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C. §
22 3161(h)(7) (A), considering the factors under title 18 U.S.C. 3161 (h)(7)(B)(i) through Section
23 3161 (h)(7)(B)(iv).
24
25

ORDER

IT IS ORDERED that calendar call currently scheduled for October 15, 2014, at the hour of 8:45 a.m., be vacated and continued to _____.

IT IS FURTHER ORDERED that the trial scheduled for October 20, 2014, at the hour of 9:00 a.m., be vacated and continued to _____.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and of the Government's prospective witnesses shall be submitted to the Court

_____.

DATED this _____ of _____ 2014.

U.S. DISTRICT JUDGE